

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

**IN RE: OBJECTION TO WILSON
BROS. CONSTRUCTION
APPLICATION TFN 56/125**

Docket No. 18-4804

**WILSON BROTHERS CONSTRUCTION'S INITIAL
WITNESS AND EXHIBIT LIST**

COMES NOW, Wilson Brothers Construction, by and through S. Joseph Darrah and submits its *Initial Witness and Exhibit List* as follows:

Witnesses.

1. **Myron Dutsche. 307-438-2850.** Mr. Dutsche has considerable experience in the bentonite industry, as he was employed in the industry for several decades. Mr. Dutsche is considered an expert regarding bentonite mining techniques, extraction of bentonite, stockpiling of bentonite, hauling of bentonite, and reclamation. Mr. Dutsche likewise is very familiar with the subject mine, its make up, and the geology of the mine. In addition, he is familiar with the quality and type of bentonite which will be extracted from the mine. He will testify that the moisture content of the bentonite is too high for it to suffer the risk of fugitive dust. He will also testify about the mine plan and the abatement procedures which will be employed to minimize dust consistent with DEQ regulations and requirements. Mr. Durtsche is actually a person who initially staked the claims for the subject mine, and he is well aware of the history of the mine.
2. **Nick Wilson, c/o S. Joseph Darrah.** Mr. Wilson is a Civil Engineer employed by Wilson

Brothers Construction. Mr. Wilson has been involved in developing plans for the operations of the mine. He will testify regarding proposed operations and construction aspects, and in particular measures which will be employed for dust control. Mr. Wilson likewise may be called upon to testify to any aspect of the mine plan on file with the DEQ.

3. **Dave Kinghorn**, Plains Environmental, plainsenvironmental@gmail.com, 11225 Gravel Way, Belle Fourche, SD 57717; 1-307-441-0551. Mr. Kinghorn is familiar with the mine plan and can testify to various aspects of it. Mr. Kinghorn is also familiar with the permit which is the subject matter of this hearing, and can provide factual background and information related thereto relevant to the issues and objections in this case. He may also be called upon to testify regarding the mine plan.

Exhibit Identification.

1. The Wilson Brothers Construction Permit Application.
2. The Mine Plan. The mine plan is rather comprehensive and is very thick. Wilson Brothers is in the process of identifying specific documents contained in the mine plan which may be offered as exhibits. Those specific documents shall be provided to the objectors and shall be marked as Exhibits for the upcoming hearing. It is the understanding of the undersigned that a copy of the Mine Plan is available at the Office of the Park County Clerk, and another is on file with the Wyoming DEQ.
3. Wilson Brothers may offer some photographs of the mine site but those are not available because such photos have yet to be taken. When and if such photographs are taken, they shall be identified and exchanged.
4. Any documents identified by the Objectors, or those offered as evidence by the DEQ staff

may likewise be offered as exhibits.

5. Wilson Brothers Construction reserves the right to supplement this list as additional information is discovered.

Miscellaneous Matters.

Wilson Brothers continues to object to Mr. Murphy representing the Diamond View Homeowners Association on the basis that he is not an attorney. Wilson Brothers previously raise this issue so that there would be no delay in the proceedings, should it be an issue at the hearing.

Respectfully submitted this ____ day of January, 2019.

Darrah Law Office, P.C.:

BY: _____

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CERTIFICATE OF SERVICE

I, S. Joseph Darrah, hereby certify that the foregoing *Motion* was served on all parties involved in this matter as I caused a true copy of the same to be emailed and correctly sent to the following on this ____ day of January, 2019.

James Kaste
Attorney for DEQ
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Robert Hicks
sfork2@yahoo.com

Stephen Freeman
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Warren Murphy
warrenmurphy@gmail.com

By: _____
S. Joseph Darrah